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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,732

12/21/2001

Peter Sladen

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02/22/2006

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EXAMINER

DUONG, THOI V

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,732

Applicant(s)

SLADEN, PETER

Examiner

Thoi V. Duong

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-15 and 17-29 ~~is/are~~ are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-15, 17-23 and 27-29 ~~is/are~~ are allowed.
- 6) ☒ Claim(s) 24-26 ~~is/are~~ are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Amendment filed November 28, 2005.

Accordingly, claim 17 was amended, claims 1-6 and 16 were cancelled.

Currently, claims 7-15 and 17-29 are pending in this application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Funamoto et al. (Funamoto, USPN 6,742,907 B2).**

Re claim 24, as shown in Fig. 80, Funamoto discloses a unitary display window 11 for placement in registration with a display 56 so that the display is viewable through the window, wherein a first outer surface of the window is for exposure to a user, and a second outer surface of the window is for placement adjacent the display, the second

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outer surface being provided with an incorporated grating 12 (shown in Figs. 30A and 30B) to distribute light from an associated source of illumination 2 in the direction of the display.

Re claim 25, as shown in Fig. 80, a display assembly comprises a display 56 and an illumination source 2.

Re claim 26, as shown in Figs. 76 and 80, a portable telephone comprises a display assembly, wherein the first outer surface of the display window defines an exterior surface of the portable telephone.

Response to Arguments

4. Applicant's arguments filed November 28, 2005 have been fully considered but they are not persuasive.

Re claim 24, Applicant argued that Funamoto does not teach or suggest using the light guide plate 11 as a window, especially, Funamoto discloses the use of a transparent plate or sheet 8 as a cover glass as shown in Fig. 30A. The Examiner disagrees with Applicant's remarks since, Fig. 80 of Funamoto clearly show that the light guide plate 11 is a unitary display window arranged at the observer side of the display (col. 41, lines 21-27). Thus, with or without a cover glass, the light guide plate of Funamoto always functions as a unitary window for the display.

Allowable Subject Matter

5. Claims 7-15, 17-23 and 27-29 are allowed.

The following is an examiner's statement of reasons for allowance: none of the prior art of record fairly suggests or shows all of the limitations as claimed. Specifically,

Re claims 7 and 13, none of the prior art of record discloses, in combination with other limitations as claimed, a window disposed adjacent the display, and through which the display is viewable, wherein an outer surface of the window facing the display is provided with an incorporated grating for distributing light from the illumination source in the direction of the display without the light passing through the window.

Re claim 17, none of the prior art of record discloses, in combination with other limitations as claimed, a window having an outer surface disposed adjacent the display without an intervening layer of material therebetween, and positioned to define a gap between the outer surface and the display, the display being viewable through the window, wherein the outer surface of the window faces the display and is provided with an incorporated grating for distributing light from the illumination source, wherein when light is shone directly into the gap the grating distributes the light in the direction of the display without the light passing through the intervening layer of material.

The most relevant reference, USPN 6,742,907 B2 to Funamoto et al. (Funamoto), fails to disclose or suggest a window provided with an outer surface having an incorporated grating facing a display without an intervening layer of material therebetween for distributing light from an illumination source in the direction of the display without the light passing through the window or the intervening layer of material. Funamoto also fails to disclose or suggest that light may be shone directly into a gap between the outer surface of the display window and the display with the grating on the outer surface of the window being configured to distribute the light in the direction of the display without the light passing through an intervening layer of the material. As shown

in Figs. 30A and 30B, Funamoto discloses a window 11 disposed adjacent the display 6, and through which the display is viewable, wherein an outer surface of the window facing the display is provided with an incorporated grating 12 for distributing light 19b from the illumination source 2 in the direction of the display; however, the light 19b from the illumination source 2 passes through the window 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-

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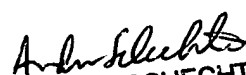
2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong



02/07/2006


ANDREW SCHECHTER
PRIMARY EXAMINER